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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of

YOUNGS, Wiley J., et al.

Serial No. ~~11/569,563~~ 10/569,563

Filed February 27, 2006

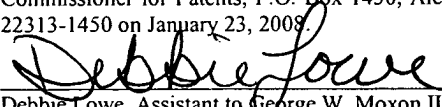
For METAL COMPLEXES OF  
N-HETEROCYCLIC CARBENES AS  
RADIOPHARMACEUTICALS AND  
ANTIBIOTICS

) Group Art Unit

) Confirmation No. 7612

) Customer No. 39905

## CERTIFICATE OF MAILING

I hereby certify that the following correspondence was  
deposited with the United States Postal Service as Express  
Mail in an envelope addressed to: Mail Stop: PETITION,  
Commissioner for Patents, P.O. Box 1450, Alexandria, VA  
22313-1450 on January 23, 2008  
Debbie Lowe, Assistant to George W. Moxon II  
Express Mail Label No. EQ 556711265 USPETITION TO REVIVE AND TO ESTABLISH PRIOR RECEIPT IN THE P.T.O. OF ITEMS  
CONSIDERED AS OMITTED BY THE NOTIFICATION OF ABANDONMENT

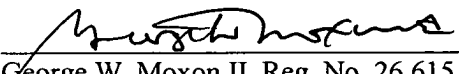
Sir:

Now comes Applicant, through its undersigned counsel, and submits herewith its Petition to Revive in response to the Notification of Abandonment mailed on January 11, 2008. Applicant asserts that the items indicated as omitted were in fact deposited with the P.T.O. with the original Response to Missing Parts filed on November 8, 2006. Enclosed is a copy of the Response to Missing Parts (Exhibit A), and a copy of the return postcard as stamped received by the P.T.O. on November 13, 2006 (Exhibit B). Also submitted herewith is a copy of the Notice to File Missing Parts of Nonprovisional Application mailed September 11, 2006 (Exhibit C).

Authorization is hereby made to charge the amount of \$400.00 to Deposit Account No. 50-0959 (Ref. No. 089498.0463), and to charge any additional fees required by this paper or credit any overpayment in the manner authorized above. A duplicate of this paper is attached.

However, it is respectfully requested that, upon grant of the petition, the petition fee be refunded by a credit to the charge authorized above.

Respectfully submitted,

01/25/2008 SSITHIB1 00000061 500959 11569563  
01 FC:1462 400.00 DA  
George W. Moxon II, Reg. No. 26,615  
Roetzel & Andress  
222 South Main Street  
Akron, Ohio 44308  
Telephone: (330) 376-2700  
Attorney for ApplicantsJanuary 23, 2008  
089498.0463 - 1498999

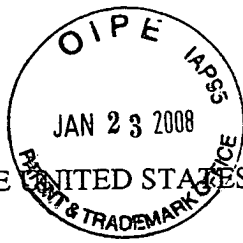


Exhibit A

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of

YOUNGS, Wiley J., et al.

Serial No. ~~11/569,563~~ 10/569,563

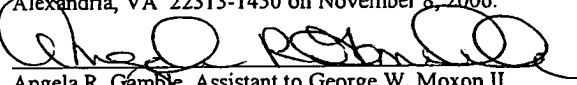
Filed February 27, 2006

For METAL COMPLEXES OF  
N-HETEROCYCLIC CARBENES AS  
RADIOPHARMACEUTICALS AND  
ANTIBIOTICS

) Group Art Unit  
) Confirmation No. 7612  
) Customer No. 39905  
)

CERTIFICATE OF MAILING

) I hereby certify that the following correspondence was  
) deposited with the United States Postal Service as first class  
) mail in an envelope addressed to: Mail Stop: MISSING  
) PARTS, Commissioner for Patents, P.O. Box 1450,  
) Alexandria, VA 22313-1450 on November 8, 2006.

)   
) Angela R. Gamble, Assistant to George W. Moxon II  
)

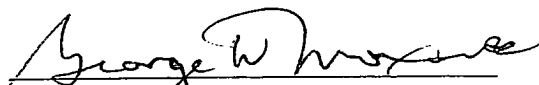
RESPONSE TO NOTICE TO FILE MISSING PARTS OF  
NONPROVISIONAL APPLICATION

Sir:

Now comes Applicants, through their undersigned counsel, and submit herewith a duly executed Combined Declaration and Power of Attorney and requested new drawings. Also submitted herewith is a copy of the Notice to File Missing Parts of Nonprovisional Application mailed September 11, 2006.

You are hereby authorized to charge any fees associated with this communication to Deposit Account No. 50-0959 (089498.0463.US). A duplicate copy of this page is included for such purposes.

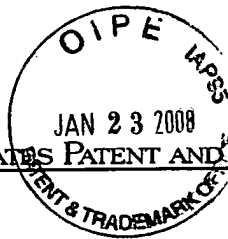
Respectfully submitted,

  
George W. Moxon II, Reg. No. 26,615  
Roetzel & Andress  
222 South Main Street  
Akron, Ohio 44308  
Telephone: (330) 376-2700  
Attorney for Applicants

November 8, 2006

RECEIVED SEP 1 2006

Exhibit C



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/569,563	Wiley J. Youngs	089498.0463.PCT.US

INTERNATIONAL APPLICATION NO.

PCT/US04/29285

I.A. FILING DATE

PRIORITY DATE

09/07/2004

09/05/2003

39905

ROETZEL AND ADDRESS  
 222 SOUTH MAIN STREET  
 AKRON, OH 44308

CONFIRMATION NO. 7612

371 FORMALITIES LETTER



\*OC000000020365607\*

Date Mailed: 09/11/2006

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 02/27/2006
- Copy of the International Search Report filed on 02/27/2006
- Information Disclosure Statements filed on 03/28/2006
- Small Entity Statement filed on 02/27/2006
- U.S. Basic National Fees filed on 02/27/2006
- Priority Documents filed on 02/27/2006
- Specification filed on 02/27/2006
- Claims filed on 02/27/2006
- Abstracts filed on 02/27/2006

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fees required for this application is \$165 for a Small Entity:

- **\$65 Surcharge.**

- This application clearly fails to comply with the requirements of 37 CFR. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", **as well as an amendment specifically directing its entry into the application.** Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.
- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.
- The application examination fee has not been paid. Applicant must submit \$100 to complete the examination fee for a small entity in compliance with 37 CFR 1.27. Note a surcharge will be required if submitted later than commencement of the national stage (37 CFR 1.492(h)) and the basic national fee was not paid before July 1, 2005.

Applicant is cautioned that correction of the above items may cause the specification and drawings page count to exceed 100 pages. If the specification and drawings exceed 100 pages, applicant will need to submit the required application size fee.

For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:

- For Rules Interpretation, call (571) 272-0951
- For Patent Software Program Help, call Patent EBC at 1-866-217-9197 or directly at 703-305-3028 / 703-308-6845 between the hours of 6 a.m. and 12 midnight, Monday through Friday, EST.
- Send e-mail correspondence for Patent Software Program Help @ [ebc@uspto.gov](mailto:ebc@uspto.gov)

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

VONDA M WALLACE

Telephone: (703) 308-9140 EXT 225

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/569,563	PCT/US04/29285	089498.0463.PCT.US

FORM PCT/DO/EO/905 (371 Formalities Notice)

Exhibit B

Applicant(s) <u>Wolfe, J. Thomas, et al.</u>		Docket No. <u>28MPR 0113</u>
Serial No. <u>11189963</u>	Filing Date <u>2/27/06</u>	Atty. <u>0729 US</u>
Title <u>Metall Complexes of N-Heterocyclic ...</u>		
Mailed <u>11/16/06</u>	Due Date <u>11/16/06</u>	Exp. Mail _____
<input type="checkbox"/> Patent Application ( <input type="checkbox"/> NEW <input type="checkbox"/> CON <input type="checkbox"/> DIV <input type="checkbox"/> CIP <input type="checkbox"/> CPA <input type="checkbox"/> PROV ) <input type="checkbox"/> PCT <input type="checkbox"/> New Application Transmittal <input checked="" type="checkbox"/> Declaration/Power of Attorney <input type="checkbox"/> Pages of Specification <input type="checkbox"/> Assignment & Cover Sheet <input type="checkbox"/> Claims <input type="checkbox"/> IDS & PTO 1449 with references <input type="checkbox"/> Sheets of Drawings <input type="checkbox"/> Issue Fee Transmittal <input type="checkbox"/> Formal <input type="checkbox"/> Informal <input type="checkbox"/> Main Fee Transmittal <input type="checkbox"/> Pages of Abstract <input type="checkbox"/> Letter of Transmittal <input type="checkbox"/> Pages of Request		
<input type="checkbox"/> Notice of Appeal <input type="checkbox"/> Appeal Brief <input type="checkbox"/> Amendment/Response <input type="checkbox"/> Transmittal <input type="checkbox"/> Extension of Time <input type="checkbox"/> Certificate of Correction <input checked="" type="checkbox"/> Missing Parts Response w/Form-PTO 1533 <input type="checkbox"/> Trademark/Service App. <input type="checkbox"/> Use <input type="checkbox"/> ITU		
RECEIVED NOV 20 2006 Specimens <input type="checkbox"/> Stmt. of Use <input type="checkbox"/> Extn. <input type="checkbox"/> Opposition <input checked="" type="checkbox"/> Other <u>Return Receipt Card</u>		

DOCKETED  
 NOV 20 2006  
 DEBBIE LOWE  
 RECEIPT ACKNOWLEDGED  
 NOV 13 2006  
 PATENT & TRADEMARK OFFICE

AP15 Rec'd PCT/PTO 13 NOV 2006



## COMBINED DECLARATION AND POWER OF ATTORNEY

As below named inventors, we hereby declare that:

Our residence, post office address and citizenship are as stated below next to our names.

We believe we are the original, first and joint inventors of the subject matter which is claimed and for which a patent is sought on the invention entitled:

### METAL COMPLEXES OF N HETEROCYCLIC CARBENES AS RADIOPHARMACEUTICALS AND ANTIBIOTICS

the specification of which

^ is attached hereto.

X was filed on February 27, 2006 as Application Serial No. 10/569563.

We hereby state that we have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

We acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, ' 1.56(a).

We hereby claim foreign priority benefits under Title 35, United States Code, ' 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

#### Priority Claimed

Number	Country	Date Filed	Yes	No
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### English Language Declaration

We hereby claim the benefit under Title 35, United States Code, ' 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, ' 112, we acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, ' 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

<u>10/569563</u>	<u>February 27, 2006</u>	<u>Active</u>
Application Serial No.	Filing Date	Status

Application Serial No.	Filing Date	Status
------------------------	-------------	--------

**POWER OF ATTORNEY:** As named inventors, we hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith:

George W. Moxon II, Reg. No. 26,615; James C. Scott, Reg. No. 35,351; Mark C. Terzola, Reg. No. 40,201; Joseph J. Crimaldi, Reg. No. 41,6904; and Dominic A. Frisina, Reg. No. 55,807.

---

**Send Correspondence to:** George W. Moxon II  
Roetzel & Andress  
222 South Main Street  
Akron, Ohio 44308

**Direct Telephone Calls to:** George W. Moxon II  
Telephone: (330) 849-6689

---



### DECLARATION

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

### SIGNATURE

Inventor: Wiley J. Youngs Date 10/2/06  
Wiley J. Youngs

Residence: 113 Harmony Hills Road  
Akron, Ohio 44321

Post Office Address: (same as above)

Citizenship: United States

Inventor: Claire A. Tessier Date 10/2/06  
Claire A. Tessier

Residence: 113 Harmony Hills Road  
Akron, Ohio 44321

Post Office Address: (same as above)

Citizenship: United States

Inventor: \_\_\_\_\_ Date \_\_\_\_\_  
Jared Garrison

Residence: 1436 Buckingham Gate Blvd A  
Akron, Ohio 44221

Post Office Address: (same as above)

Citizenship: United States

## DECLARATION

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

## SIGNATURE

Inventor: \_\_\_\_\_ Date \_\_\_\_\_  
Wiley J. Youngs

Residence: 113 Harmony Hills Road  
Akron, Ohio 44321

Post Office Address: (same as above)

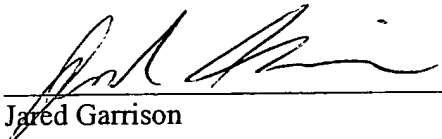
Citizenship: United States

Inventor: \_\_\_\_\_ Date \_\_\_\_\_  
Claire A. Tessier

Residence: 113 Harmony Hills Road  
Akron, Ohio 44321

Post Office Address: (same as above)

Citizenship: United States

Inventor:  \_\_\_\_\_ Date 4/26/06  
Jared Garrison

Residence: 1436 Buckingham Gate Blvd A  
Akron, Ohio 44221

Post Office Address: (same as above)

Citizenship: United States

Inventor: Carol Quezada  
Carol Quezada

Date 04/20/06

Residence: 720 South Van Buren Avenue  
Barberton, Ohio 44203

Post Office Address: (same as above)

Citizenship: United States

Inventor: \_\_\_\_\_  
Abdulkareem Melaiye

Date \_\_\_\_\_

Residence: 26 East Tallmadge Avenue  
Akron, Ohio 44310

Post Office Address: (same as above)

Citizenship: Nigeria

Inventor: \_\_\_\_\_  
Mathew Panzner

Date \_\_\_\_\_

Residence: 279 South Hawkins Avenue  
Akron, Ohio 44313

Post Office Address: (same as above)

Citizenship: United States

Inventor: \_\_\_\_\_  
Semih Durmus

Date \_\_\_\_\_

Residence: 505 Vine Street, Apt 106  
Akron, Ohio 44304

Post Office Address: (same as above)

Citizenship: Turkey

1337596.089498.0463

Inventor: \_\_\_\_\_  
Carol Quezada

Date \_\_\_\_\_

Residence: 720 South Van Buren Avenue  
Barberton, Ohio 44203

Post Office Address: (same as above)

Citizenship: United States

Inventor: Abdulkareem Melaiye  
Abdulkareem Melaiye

Date 04/08/2006

Residence: 26 East Tallmadge Avenue  
Akron, Ohio 44310

Post Office Address: (same as above)

Citizenship: Nigeria

Inventor: \_\_\_\_\_  
Mathew Panzner

Date \_\_\_\_\_

Residence: 279 South Hawkins Avenue  
Akron, Ohio 44313

Post Office Address: (same as above)

Citizenship: United States

Inventor: \_\_\_\_\_  
Semih Durmus

Date \_\_\_\_\_

Residence: 505 Vine Street, Apt 106  
Akron, Ohio 44304

Post Office Address: (same as above)

Citizenship: Turkey

1337596.089498.0463

Inventor: \_\_\_\_\_  
Carol Quezada

Date \_\_\_\_\_

Residence: 720 South Van Buren Avenue  
Barberton, Ohio 44203

Post Office Address: (same as above)

Citizenship: United States

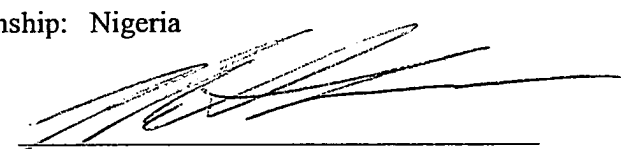
Inventor: \_\_\_\_\_  
Abdulkareem Melaiye

Date \_\_\_\_\_

Residence: 26 East Tallmadge Avenue  
Akron, Ohio 44310

Post Office Address: (same as above)

Citizenship: Nigeria

Inventor: \_\_\_\_\_  
  
~~Matthew Panzner~~  
Matthew

Date 4-8-06

Residence: 279 South Hawkins Avenue  
Akron, Ohio 44313

Post Office Address: (same as above)

Citizenship: United States

Inventor: \_\_\_\_\_  
Semih Durmus

Date \_\_\_\_\_

Residence: 505 Vine Street, Apt 106  
Akron, Ohio 44304

Post Office Address: (same as above)

Citizenship: Turkey

1337596.089498.0463

Inventor: Carol Quezada

.e                     

Residence: 720 South Van Buren Avenue  
Barberton, Ohio 44203

Post Office Address: (same as above)

Citizenship: United States

Inventor: Abdulkareem Melaiye

Date                     

Residence: 26 East Tallmadge Avenue  
Akron, Ohio 44310

Post Office Address: (same as above)

Citizenship: Nigeria


Inventor: Mathew Panzner

Date                     

Residence: 279 South Hawkins Avenue  
Akron, Ohio 44313

Post Office Address: (same as above)

Citizenship: United States

Inventor:   
Semih Durmus

Date 10/31/2006

Residence: 418 ½ Crouse Street, Apt 1  
Akron, Ohio 44311

Post Office Address: (same as above)

Citizenship: Turkey

1337596.089498.0463